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SCHOOL LAWS
OF
NEW HAMPSHIRE

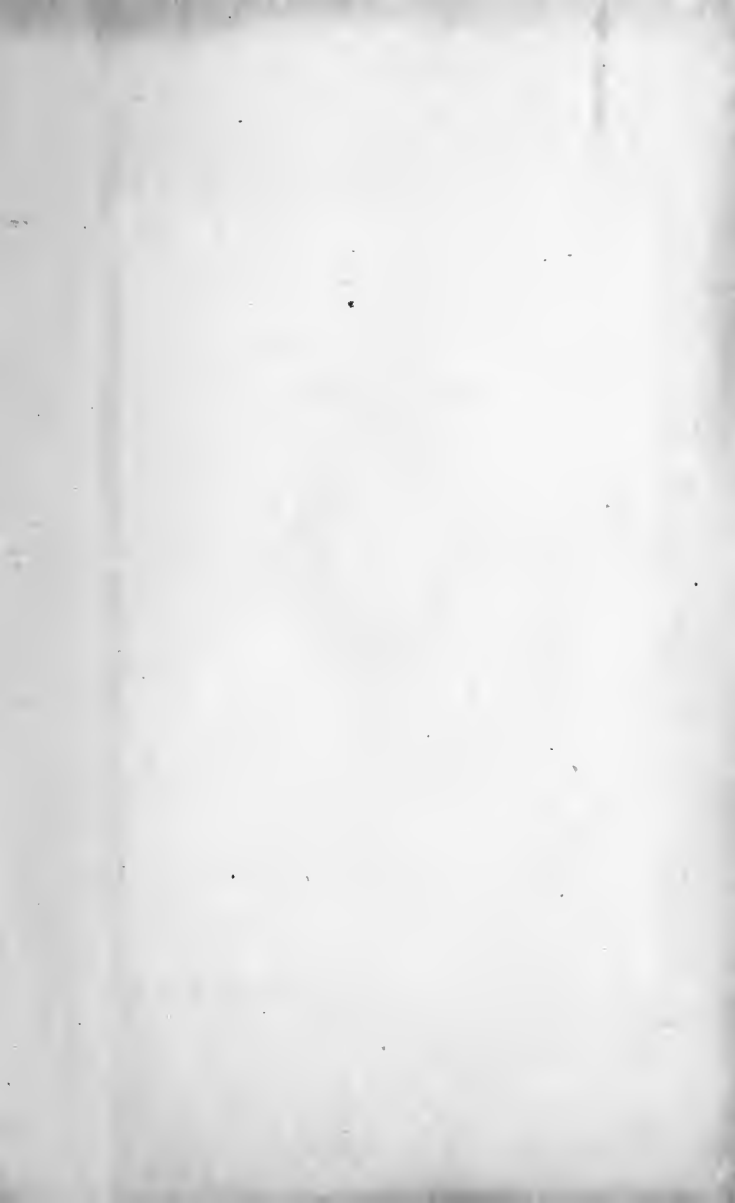
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New Hampshire Laws, 1891-1903

LAWS OF NEW HAMPSHIRE

RELATING TO

COMMON SCHOOLS

COMPILED FROM PUBLIC STATUTES AND SESSION
LAWS OF 1891, 1893, 1895, 1897, 1899, 1901, 1903.



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NEW HAMPSHIRE SCHOOL LAWS.

CHAPTER 88.

SCHOOL MONEY.

SECTION

1. School tax, amount and assessment of.
2. Town may raise additional money.
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4. How assigned to districts.
5. Ward's tax, where assigned.
6. Neglect to assess, assign, etc. ; penalty.
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10. How distributed to towns, etc., annually.
11. Unincorporated places, when to receive.
12. Literary fund, how expended.
13. Misapplication of ; penalty.
14. What part of dog tax applied to support of schools.

SECTION 1. [*As amended by chapter 92, Session Laws of 1901.*] The selectmen in each town shall assess annually, upon the polls and ratable estate taxable therein, a sum to be computed at the rate of six hundred dollars for every dollar of the public taxes apportioned to such town, and so for a greater or less sum.

SECT. 2. The town may raise a sum exceeding the amount aforesaid, which shall be assessed in the same manner.

SECT. 3. The sums so raised shall be appropriated to the sole purpose of maintaining public schools within the town for teaching reading, writing, English grammar, arithmetic, geography and such other branches as are adapted to the advancement of the schools, including the purchase of fuel and other supplies, the making of occasional repairs upon schoolhouses, appurtenances, and furniture, and the conveyance of scholars to and from school as provided by law.

SECT. 4. The selectmen shall assign to each district a proportion of such money, according to the valuation of the district for the year, or in such other manner as the town, at the annual meeting, shall direct, and shall pay over the same to the school board of the district.

SECT. 5. When a guardian and ward reside in the same town, the selectmen shall assign the tax assessed upon the ward's personal property to the school district in which the ward lives and has his home.

SECT. 6. If the selectmen of any town neglect to assess, assign, or pay over the school money as aforesaid, they shall pay for each neglect a sum equal to that so neglected to be assessed, assigned, or paid over, to be recovered by action of debt, in the name and for the use of the district, by the school board.

SECT. 7. If the money so assigned and paid over to the school board of any district is not

expended by them according to law, they shall be fined not exceeding twice the sum so unexpended or not legally expended, for the use of the district.

SECT. 8. Any district may raise money for the support of schools in addition to the sum required by law, which shall be assessed, collected and paid over to the district as other school taxes.

SECT. 9. All taxes collected by the state upon the deposits, stock, and attending accumulations of depositors and stockholders of savings banks, trust companies, loan and trust companies, loan and banking companies, building and loan associations, and other similar corporations, who do not reside in this state, or whose residence is unknown, shall be known as the "literary fund."

SECT. 10. The state treasurer shall assign and distribute, in November of each year, the literary fund among the towns and places in proportion to the number of scholars not less than five years of age who shall, by the last reports of the school boards returned to the superintendent of public instruction, appear to have attended the public schools in such towns and places not less than two weeks within that year.

SECT. 11. No unincorporated place shall receive its portion until a treasurer or school agent shall have been chosen to receive and appropriate the same as required by law.

SECT. 12. The portion of the literary fund so received by any town or place shall be assigned to the districts as other school money, and shall be applied to the maintenance of the public schools during the current year; one fifth part thereof may be applied by the school board to the purchase

of blackboards, dictionaries, maps, charts, and school apparatus.

SECT. 13. If any town or incorporated place or the agent of any unincorporated place shall apply any money so received to any other purpose, the town, place, or agent so offending shall refund to the state treasury double the sum so misapplied.

SECT. 14. All money arising from the taxation and licensing of dogs, remaining in the treasury of any town or city on the first day of April, annually, which is not due to holders of orders given for loss of or damages to domestic animals by dogs, shall be applied to the support of the public schools, and shall be assigned to the districts as other school money.

CHAPTER 89.

SCHOOL DISTRICTS.

SECTION

1. Each town a school district.
2. When presumed to be legally organized; powers of.
3. May raise money, for what purposes.
4. May hire money, how much; and when payable.
5. Selectmen to assess tax to pay same, when.
6. Persons and property, where taxed.
7. New invoice made, when.
8. Non-resident taxes assessed after July 1, when and how collected.
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10. Adjoining districts may contract to maintain schools jointly.

11. Districts may contract with academies, etc., to furnish instruction to scholars.
12. Non-resident scholars, how admitted to schools.
13. Joint districts, how to share in school money.
14. How dissolved and united to town districts.
15. Town district to take possession of school property in such case.
16. Rights in property, how equalized.
17. Selectmen to apportion property among parts of dissolved districts in two or more towns.
18. Referee to be appointed in case selectmen fail to apportion.
19. Notice in such case before appointment of referee.
20. Such notice, how served.
21. Referee to give notice of hearing.
22. Tax to adjust apportionment, how assessed.
23. Town district to take property and assess tax in relation thereto.
24. Dissolved districts to continue, for what purposes.
25. Income of trust funds, how used.
26. Meetings of dissolved districts.
27. Preservation of district records.

SECTION 1. Each town shall constitute a single district for school purposes; *provided, however,* that districts organized under special acts of the legislature may retain their present organization.

SECT. 2. School districts that have exercised the privileges of a district for a year shall be presumed to be legally organized; and all districts legally organized shall be corporations, with power to sue and be sued, to hold and dispose of real and personal property for the use of the schools therein, and to make necessary contracts relating thereto.

SECT. 3. School districts may raise money to procure land for schoolhouse lots, and for the enlargement of existing lots; to build, purchase, rent, repair, or remove schoolhouses and outbuildings; to procure insurance; to plant and care for shade and ornamental trees upon schoolhouse lots; to provide suitable furniture, books, maps, charts, apparatus, and conveniences for schools; and to pay debts.

SECT. 4. School districts may hire money for building schoolhouses, not exceeding four-fifths of the cost thereof, which shall be payable within five years, in equal proportions, with the interest.

SECT. 5. The selectmen, upon application of the creditor and receipt of copies of the vote and note of the district, may, in each annual tax, assess upon the district one fifth of such debt and the interest, and shall cause the same to be collected and paid to the town treasurer, and shall give an order upon the treasurer to the creditor for the amounts collected.

SECT. 6. In the assessment of school-district taxes, every person shall be taxed in the district in which he lives for his poll and his personal estate subject to taxation in town. Real estate shall be taxed in the district in which it is situated.

SECT. 7. The selectmen may make a new invoice of all the property in the district when necessary for the just assessment of such taxes.

SECT. 8. If such taxes are assessed after the first day of July in any year upon the property of non-residents, the collector shall send to the owners of said property, or to their agents, if known,

a bill of their taxes within two months after the delivery of the list to him, and shall, at the expiration of four months after such delivery, advertise and sell the property on which the taxes have not been paid in the same manner as if such taxes had been assessed in April preceding.

SECT. 9. Any school district may, by vote or by-law, establish and maintain a high school in which the higher English branches of education and the Latin, Greek, and modern languages may be taught.

SECT. 10. Two or more adjoining districts in the same or different towns may make contracts with each other for establishing and maintaining jointly a high or other public school for the benefit of their scholars, and may raise and appropriate money to carry the contracts into effect; and their school boards, acting jointly or otherwise, shall have such authority and perform such duties in relation to schools so maintained as may be provided for in the contracts.

SECT. 11. Any school district may contract with an academy, seminary, or other literary institution located within its limits or in its immediate vicinity, for furnishing instruction to its scholars; and the school money may be used to carry the contract into effect.

SECT. 12. Each district may determine upon what terms scholars from other districts or towns may be admitted into its schools. If the district neglects to make such determination, the school board may do it.

SECT. 13. Every district situate in two or more towns shall be entitled to its just proportion of

school taxes, income of school funds, literary fund, and dog tax in each town, according to the valuation of polls and property taxable therein.

SECT. 14. Any school district organized under a special act of the legislature may, by a majority vote of the qualified voters present and voting at a legal meeting, dissolve its corporate existence and unite with the town district.*

SECT. 15. In such case the town district so formed shall forthwith take possession of the schoolhouses, lands, apparatus, and other property owned and used for school purposes by the district so dissolved which the district might lawfully sell or convey.

SECT. 16. The property so taken, and also like property of the district to which the special district is united, shall be appraised by the selectmen of the town, and at the next annual assessment a tax shall be levied upon the whole town district equal to the amount of the whole appraisal; and there shall be remitted to the taxpayers of each district the appraised value of its property.

SECT. 17. If a district so dissolved is formed of parts of two or more towns, an equitable apportionment of its assets and liabilities between such parts shall be made by the selectmen of the towns in which they are situate, acting as a joint board, within sixty days after the dissolution.

SECT. 18. If such joint board fail to make an apportionment within the time limited therefor, any taxpayer within the district may apply by petition to a judge of the supreme court for the

*See chapter 64, Session Laws of 1891.

appointment of a referee to make the apportionment.

SECT. 19. The judge shall appoint a time and place of hearing upon the petition, and order notice thereof to be given to all parties interested, and after hearing them he shall appoint a referee.

SECT. 20. The notice shall be served by posting copies of the petition and order thereon in at least two public places in each of said parts, and by giving to the clerk of the dissolved district, and the clerk of each town district in which any part thereof is located, like copies ten days at least before the day of hearing.

SECT. 21. The referee shall cause notice of his hearing to be given to all parties interested, in the same manner as is provided in the preceding section. He shall hear the parties, make his report in writing, and file a copy thereof with the clerk of the dissolved district and the clerk of each town interested; and the report, so made and filed, shall be final.

SECT. 22. Upon receiving a copy of the apportionment, the selectmen shall assess upon that part of the district within their town the amount for which it is charged, and cause the same to be collected and paid to the town district in which the creditor part of the dissolved district is situated.

SECT. 23. The town district shall take the property and assets of that part of the dissolved district which is situate in such town district, and the selectmen of the town shall

assess and remit taxes with reference to the property so taken, and like property of the town district, the same as in other cases.

SECT. 24. The corporate powers of a district shall continue for the purpose of settling up its affairs and of holding, managing, and enjoying any property held by it in trust, notwithstanding its dissolution; but the school board of the district of which it forms a part shall be its agents to expend the income of any such trust property that is devoted to the support of schools.

SECT. 25. The school board shall first give to such district or districts such term or character of schooling as would be just and reasonable if no such fund were in existence, and only use the income to lengthen the school or schools, or to carry out the purposes of the trust under which the funds are held.

SECT. 26. Any justice of the peace may, upon application of three or more voters, resident within the limits of the dissolved district, call a meeting thereof in the same manner as other school-district meetings are called, at which a moderator, clerk, and agents may be chosen, and any other business transacted for the purposes mentioned in section twenty-four of this chapter.

SECT. 27. The records of dissolved school districts whose corporate existence is not continued for any purpose shall be returned by the clerks of such districts to the town clerk's office for preservation with the public records of the town.

CHAPTER 90.

MEETINGS AND OFFICERS OF SCHOOL DISTRICTS.

SECTION

1. Annual meetings, when holden.
2. Special meetings, when holden.
3. District meetings, where held.
4. Warrants, by whom issued and what to contain.
5. Warrants to contain notice of special subjects, when.
6. When and where to be posted.
7. May be issued by a justice of the peace, when.
8. To be returned to the clerk and be recorded.
9. Voters, who are.
10. Check-list to be used, when. Amendment of 1895.
11. Illegal voting, how punished.
12. Officers, what.
13. Districts which maintain high school may increase membership of their school boards.
14. Eligibility to office.
15. Officers, how chosen; to be sworn.
16. Tenure of office.
17. Moderator's powers and duties.
18. Clerk's duties.
19. Clerk to report names, etc., of school board to town clerk, when; penalty for neglect.
20. Treasurer to give bond.
21. Treasurer's duties.
22. Auditor's duties.
23. Vacancies in district offices, how filled.
24. District may elect or appoint superintendent of schools, etc.

SECTION 1. A meeting of every school district shall be holden annually between the first day of March and the twentieth day of April, inclusive, for the choice of district officers and the transaction of other district business.

SECT. 2. A special meeting of a school district shall be holden whenever, in the opinion of the school board, there is occasion therefor, or whenever ten or more voters, or one sixth of the voters of the district, shall have made written application to the school board therefor, setting forth the subject-matter upon which action is desired.

SECT. 3. School-district meetings may be held at the usual place where town meetings of the town are held, or at such other suitable place as in the opinion of the officers calling the meeting will best accommodate the voters.

SECT. 4. They shall be warned by the school board, or, in cases authorized by law, by a justice of the peace, by warrant addressed to the inhabitants of the district qualified to vote in district affairs, stating the time and place of the meeting and the subject-matter of the business to be acted upon.

SECT. 5. The officers issuing a warrant for a district meeting shall insert therein any subject-matter for which application has been made to them in writing by ten or more voters, or by one sixth of the voters of the district.

SECT. 6. The school board or justice issuing a warrant shall cause an attested copy of it to be posted at the place of the meeting, and a like copy at one other public place in the district, fourteen days before the day of meeting.

SECT. 7. If the school board does not cause a warrant for the annual meeting to be posted on or before the second Tuesday of March in any year, or for a special meeting within ten days after application therefor is made to them, a justice of the peace, upon application of ten or more voters, or of one sixth of the voters of the district, may issue such warrant and cause it to be posted.

SECT. 8. The warrant, with a certificate thereon, verified by oath, stating the time and places when and where copies of it were posted, shall be given to the clerk of the district at or before the time of the meeting, and shall be recorded by him in the records of the district.

SECT. 9. Any person, whether male or female, but in all other respects except sex qualified to vote in town affairs, may vote at school-district meetings in the district in which such person has resided and had a home three months next preceding the meeting.

SECT. 10. Upon petition of ten legal voters of any district, presented in January, or if the district at its annual meeting shall have voted that a check-list be used at future meetings, the school board shall make, post, and correct a list of the legal voters in the district, as supervisors are required to do in regard to the list of voters in their towns; and such list shall be used and checked, at the election of officers and otherwise, at the annual meeting of the district, as in case of town meetings.

[Section 10 was amended by chapter 97 of Session Laws of 1895, as follows :

SECTION 1. That section 10 of chapter 90 of the Public Statutes shall not be applicable to any special school district in this state, unless a petition for a check-list shall be signed by five per cent. of the legal voters of the district.]

SECT. 11. If any person under the age of twenty-one years, or any alien not naturalized, or any person who has not resided and had his home in the district for three months and in the town for six months preceding, shall vote in any district meeting, or if any person shall give in more than one vote for any officer voted for at the meeting, or if any person, being under examination before the school board as to his qualifications as a voter, shall give any false name or answer, he shall be fined not exceeding thirty dollars, or be imprisoned not exceeding three months.

SECT. 12. The officers of every school district for which the law does not otherwise provide shall be a moderator, a clerk, a school board of three persons, a treasurer, and one or more auditors, and such other officers and agents as the voters may judge necessary for managing the district affairs.

SECT. 13. While any district maintains a high school or unites with another district in maintaining one, it may have a school board consisting of three, six, or nine members, as it shall determine by vote or by-law. Whenever it ceases to maintain or to unite in maintaining a high school, it shall thereafterwards elect only one member to the school board each year to fill vacancies occurring from expiration of term of service, so that the board will decrease in numbers, year by year, until it shall be composed of only three members.

SECT. 14. No person shall be eligible to any school-district office unless he is a voter in the district.

SECT. 15. [*As amended by chapter 69, Session Laws of 1897.*] The moderator shall be chosen by ballot, by a plurality vote; the clerk, school board, and treasurer shall be chosen by ballot, by a majority vote. The moderator, clerk, and school board shall be sworn.

SECT. 16. One third of the members of the school board shall be chosen each year to hold office for three years, and until their successors are chosen and qualified, and vacancies in the board shall be filled so as to preserve such succession in office. All other officers shall be chosen annually, and shall hold office for one year, and until their successors are chosen and qualified.

SECT. 17. The moderator shall have the like power and duty as a moderator of a town meeting to conduct the business and to preserve order, and may administer oaths to district officers and in the district business. In case of a vacancy or absence, a moderator *pro tempore* may be chosen.

SECT. 18. The clerk shall keep a true record of all the doings of each meeting; shall deliver to the selectmen of the town an attested copy of every vote to raise money within ten days after the meeting; shall make an attested copy of any record of the district for any person upon request and tender of legal fees therefor; shall act as moderator of any meeting until a moderator *pro tempore* shall be chosen, if the moderator is absent or the office has become vacant; and shall have the same

power to administer oaths which the moderator has. If the clerk is absent at any meeting, a clerk *pro tempore* shall be chosen.

SECT. 19. The clerk of every school district shall, forthwith, after the election from time to time of members of the school board, report in writing their names and post-office addresses to the town clerk of the town; and if he fails to do so, he shall be fined twenty dollars, one half for the use of the complainant and the other half for the use of the town.

SECT. 20. The treasurer shall, before entering upon the duties of his office, give a bond with sufficient sureties to the district, to the acceptance of the school board, for the faithful performance of his official duties.

SECT. 21. The treasurer shall have the custody of all moneys belonging to the district, and shall pay out the same only upon orders of the school board. He shall keep a fair and correct account of all sums received into and paid from the district treasury. At the close of each fiscal year he shall make a report to the district, giving a particular account of all receipts and payments during the year. He shall furnish to the school board statements from his books, and submit his books and vouchers to them and to the district auditors for examination, whenever so requested.

SECT. 22. The auditors shall carefully examine the accounts of the treasurer and school board at the close of each fiscal year, and at other times whenever necessary, and report to the district whether the same are correctly cast and well vouched.

SECT. 23. The school board shall fill vacancies occurring in the board, and in other district offices except that of moderator, until the next annual meeting of the district. In case of vacancy of the entire membership of the board, or the remaining members are unable to agree upon an appointment, the selectmen, upon application of one or more voters in the district, shall fill the vacancies so existing until the next annual meeting of the district.

SECT. 24. [*As amended by chapter 48, Session Laws of 1895.*] A school district may require the school board to elect or appoint a superintendent of schools, who shall hold office for such term, be vested with such of the powers and charged with such of the duties of the school board, and be entitled to such compensation as it may provide; and such district may raise and appropriate money to pay the compensation. [*See chapter 47, Session Laws of 1895, and chapter 77, Session Laws of 1899.*]

CHAPTER 91.

SCHOOLHOUSES.

SECTION

1. District may locate by vote or committee.
2. Powers of committee limited.
3. Voters aggrieved may apply to school board.
4. School board to locate, when.
5. County commissioners to locate, when.
6. Chairman to give notice of hearings, how.
7. Vacancies in board, how filled.

8. Hearing, when ; decision, how made and filed.
9. District to take no steps to carry former location into effect while appeal pending.
10. Commissioners, how paid.
11. Location conclusive, for what time.
12. Existing lot, how enlarged.
13. Land appraised by selectmen, when.
14. Appeal by landowner.
15. Title to vest in district, when.
16. Selectmen to build schoolhouse, when.
17. Schools, where kept.
18. Use of schoolhouses may be granted, for what purposes and when.

[*For cities, see chapter 65, Session Laws of 1897.*]

SECTION 1. The district may decide upon the location of its schoolhouses, by vote or by a committee appointed for the purpose.

SECT. 2. No committee shall have power to bind the district beyond the amount of money voted by it, and the district shall not be bound by any act, as a ratification of the doings of such committee, beyond their authority, unless by express vote of the district.

SECT. 3. If ten or more voters of a district are aggrieved by the location of a schoolhouse by the district or its committee, they may apply by petition to the school board, who shall hear the parties interested and determine the location.

SECT. 4. If the district does not agree upon a location for a schoolhouse or upon a committee to locate the same, or if the same is not located by such committee within thirty days after its appointment, the school board, upon petition of ten or more voters, shall determine the location.

SECT. 5. If ten or more voters of a school district are aggrieved by the location of a schoolhouse by the district or its committee, or by the school board, they may apply by petition to the county commissioners within ten days after the making of the location, who shall hear the parties interested and determine the location.

SECT. 6. The chairman of the county commissioners shall appoint a time and place within the district for a hearing upon every such petition; and shall give notice thereof by causing attested copies of the petition and order of notice to be posted at two or more public places within the district and to be given in hand to, or left at the abode of, the clerk of the district and of one of the school board, fourteen days before the day of hearing.

SECT. 7. In such cases, vacancies in the board of commissioners arising from disqualification of members or otherwise shall be filled in the same manner as like vacancies are filled in highway cases referred to them.

SECT. 8. The hearing shall be closed within sixty days. The commissioners shall hear all parties interested who desire to be heard, and shall make their decision in writing and file it with the clerk of the district.

SECT. 9. The district shall take no steps to carry into effect a former location while any subsequent proceedings authorized by law for a change thereof are pending.

SECT. 10. The commissioners shall be paid by the district for their services the same fees as in

highway cases. Districts are authorized to raise money for that purpose.

SECT. 11. The location of schoolhouses, however made, shall be conclusive for the term of five years, unless an appeal therefrom shall be prosecuted as provided in this chapter.

SECT. 12. The school board or county commissioners may enlarge any existing schoolhouse lot so that it shall contain not exceeding one acre, upon such petition to them and proceedings thereon as are required to authorize them to determine the location for a schoolhouse.

SECT. 13. If any school district shall neglect or refuse to procure the lot of land selected for the location of a schoolhouse or for the enlargement of an existing schoolhouse lot, as provided in this chapter, or if the owner of the land shall refuse to sell the same to the district for a reasonable price, the selectmen, upon petition to them by the school board or by three or more voters of the district, shall appraise the damages occasioned to the landowner by the taking of his land. The appraisal shall be made in writing, and be filed with the clerk of the district.

SECT. 14. Any landowner aggrieved by such appraisal of his damages may appeal therefrom to the supreme court by petition within sixty days after the appraisal is filed with the clerk of the district; and the procedure and remedies upon such appeal shall be the same as in appeals from the assessment of damages by selectmen in highway cases, except that service of papers shall be made upon the clerk of the district and one of the

school board, instead of the town clerk and one of the selectmen, and except as provided in the following section.

SECT. 15. Upon payment or tender of the damages awarded, the land shall vest in the district, and it may take possession of it. Such payment or tender may be made in accordance with the award of the selectmen before an appeal is taken, or while an appeal is pending, and shall have like effect. In such case, if the damages are increased upon appeal the landowner shall have judgment for the excess; if decreased, the district shall have judgment for the amount of the decrease. If the result of the appeal is to change the award of damages in favor of the landowner, he shall recover costs; otherwise, he shall pay costs.

SECT. 16. If a district shall refuse or neglect to build, repair, remove, or fit up a schoolhouse, or shall refuse or neglect to build a schoolhouse upon or to remove it to the lot designated as aforesaid, the selectmen, upon petition of three or more voters of the district, after hearing the parties, may assess upon the district and collect such sums of money as may be necessary, and therewith cause such schoolhouse to be built, removed, repaired, or fitted up.

SECT. 17. The schools of a district shall be kept in its schoolhouses, if it has suitable houses that will accommodate the scholars; if not, the school board shall provide suitable accommodations for the schools at the expense of the district.

SECT. 18. A school district or the school board thereof may grant the use of any schoolhouse in the district for a writing or singing school, and

for religious and other meetings, whenever such use will not conflict with any regular school exercise. The persons so using a schoolhouse shall be liable for any damages to the same and to the property therein.

CHAPTER 92.

SCHOOL BOARD, TEACHERS AND TRUANT OFFICERS.

SECTION

1. Board to provide schools.
2. To hire teachers.
3. May dismiss teachers, when.
4. Teacher to receive no pay for services rendered after dismissal.
5. Rules and regulations to be prescribed by the board.
6. Branches of study prescribed, and examination of teachers.
7. Free text-books.
8. United States flags to be purchased at expense of town.
9. Text-books favoring religious sect or political party not allowed.
10. School boards to furnish registers and visit schools.
11. Teacher to return the register, when.
12. School board to make report annually.
13. School boards shall send reports to superintendent of public instruction.
14. Penalty for neglect.
15. School boards shall appoint truant officers.

16. Tenure of office.
17. Duties in regard to truants.
18. Duties in regard to children in manufacturing establishments.
19. Compensation of school board.
20. School day, etc., what.
21. Teachers may attend institutes.

SECTION 1. The school board of every district shall provide schools at such places within the district and at such times in each year as will best subserve the interests of education, and will give to all scholars of the district as nearly equal advantages as may be practicable. They may use a portion of the school money, not exceeding twenty-five per cent. for the purpose of conveying scholars to and from the schools.

SECT. 2. [*As amended by chapter 50, Session Laws of 1895.*] The school board shall select and hire suitable and competent teachers holding certificates as provided by law, shall provide necessary fuel, and shall make such occasional repairs of the schoolhouses and furniture as may be necessary, not exceeding in cost five per cent. of the school money.

SECT. 3. [*As amended by chapter 51, Session Laws of 1895.*] They shall dismiss any teacher found by them to be unsuitable or incompetent or who shall not conform to the regulations by them prescribed.

SECT. 4. No teacher shall recover pay for services rendered after notice of dismissal.

SECT. 5. The school board may prescribe regulations for the attendance upon, and for the management, studies, classification, and discipline of the schools; and such regulations, when recorded by the district clerk, and a copy thereof has been given to the teachers and read in the schools shall be binding upon scholars and teachers.

SECT. 6. [*As amended by chapter 40, Session Laws of 1895, and chapter 31, Session Laws of 1903.*] They shall prescribe in all mixed schools and in all graded schools above primary, the studies of physiology and hygiene, having special reference to the effects of alcoholic stimulants and of narcotics upon the human system, and shall see that the studies so prescribed are thoroughly taught in said schools and that well approved text-books upon these subjects are furnished to teachers and scholars, and that the constitution of the United States and of the state of New Hampshire be read aloud by the scholars at least once during the last year of the course below the High School, and may permit or prescribe the study of algebra, geometry, surveying, bookkeeping, philosophy, chemistry, and natural history, or any of them, and other suitable studies.* School boards shall, annually, in the month of June or July, and at such other times as they deem best, hold an examination of candidates for certificates of qualification to teach

*Section 2, chapter 40, Laws of 1895. If any member of the school board shall neglect or refuse to comply with the provisions of the first paragraph of section 6, he shall forfeit the sum of two hundred dollars.

in the public schools. Candidates shall be examined in the studies prescribed by law, or by the school board in accordance with law. Such candidates as pass an examination satisfactory to the school board, and present satisfactory evidence of good moral character and capacity for government, shall receive certificates of qualification signed by the school board, to continue in force not more than one year from the date thereof.*

SECT. 7. [*As amended by chapter 50, Session Laws of 1895.*] They shall purchase, at the expense of the city or town in which the district is situated, text-books and other supplies required for use in the public schools; and shall loan the same to the pupils of such schools free of charge, subject to such regulations for their care and custody as the school board may prescribe. They shall make provision for the sale of such books at cost to pupils of the school wishing to purchase them for their own use.

SECT. 8. [*As amended by chapter 39, Session Laws of 1903. Chapter 50, Session Laws of 1895.*] They shall purchase at the expense of the city or town in which the district is situated, a United States flag of bunting not less than five feet in length with a flag-staff and appliances for displaying the same, for every schoolhouse in the district in which a public school is taught not otherwise supplied. They shall prescribe rules and regulations for the proper custody, care, and display of the flag; and whenever not otherwise displayed, it shall be placed conspicuously in the

* See chapter 49, Session Laws of 1895, page 49.

principal room of the schoolhouse. Any members of a school board who shall refuse or neglect to comply with the provisions of this section shall be fined ten dollars for the first offense and twenty dollars for every subsequent offense.

Not more than ten dollars shall be expended for the flag, flag-staff, and appliances for any one schoolhouse, and the school board shall have the same control over its preservation and display that it has over the other district property.

SECT. 9. [*As amended by chapter 50, Session Laws of 1895.*] No book shall be introduced into the public schools calculated to favor any particular religious sect or political party.

SECT. 10. They shall furnish to every teacher one of the blank registers provided by the superintendent of public instruction, and shall visit and examine each school in their district at least twice in each term, once near the beginning and once near the close thereof.

SECT. 11. Every teacher shall make the entries in the register required by the superintendent of public instruction, and at the close of the term shall return the register to the school board. Twenty dollars of the wages of every teacher shall be withheld until he has made such return.

SECT. 12. [*As amended by chapter 50, Session Laws of 1895.*] School boards shall file with the selectmen on or before the first day of August, in each year, their reports to their respective districts, stating the number of weeks the public schools have been kept in their districts in summer and winter, and what portion by male and what by female teachers; the number of teachers

employed during the year, reckoning successive teachers employed in the same school as one teacher; the number of days' attendance of all the pupils of the district, inclusive of days spent by teachers of the schools of said district in attendance upon teachers' institutes as provided by law and days spent in attendance upon the annual meeting of the state teachers' association, and the average attendance of pupils during the remainder of the term shall be considered as the attendance of the pupils during such days; the number of scholars who have attended each school; the number who have attended to each study; the number of scholars of their districts not less than five years of age who have attended the public schools in their district not less than two weeks during the year; and containing such suggestions relative to the schools as they may think useful. School boards of town districts shall also include in their reports a statement of the number of children of each sex reported by the truant officer or agents of the school board; the number of each sex between the ages of five and sixteen years who have not attended school; the number of scholars not less than five years of age who have attended the district schools in the town not less than two weeks during the year, and the number of persons in each district between the ages of fourteen and twenty-one years who cannot read and write.

SECT. 13. [*As amended by chapter 50, Session Laws of 1895, and chapter 5, Session Laws of 1903.*] School boards shall on or before the fifteenth day of July in each year, send to the

superintendent of public instruction copies of their annual reports and answers to the questions proposed by him, relating to the schools in their district; the school year shall begin with the fall term.

SECT. 14. Any member of a school board who shall neglect or refuse to comply with the provisions of the preceding section shall be fined not exceeding fifty dollars.

SECT. 15. [*As amended by chapter 70, Session Laws of 1899.*] School boards shall appoint truant officers for their districts, and fix their compensation at a reasonable rate, which compensation shall be paid by the towns.

SECT. 16. Truant officers shall hold office for one year, and until their successors shall be appointed, but they may be removed by the school board at any time for cause.

SECT. 17. [*As amended by chapter 70, Session Laws of 1899.*] Truant officers shall, under the direction of the school board, enforce the laws and regulations relating to truants and children between the ages of eight and sixteen years not attending school, and without any regular and lawful occupation; and the laws relating to the attendance at school of children between the ages of eight and sixteen years.

SECT. 18. [*As amended by chapter 70, Session Laws of 1899.*] Truant officers shall, if required by the school board, enforce the laws prohibiting the employment of children in manufacturing, mechanical, or mercantile establishments, who have not attended school the prescribed time;

and for this purpose they may, when so authorized and required by vote of the school board, visit the manufacturing, mechanical, and mercantile establishments in their respective cities and towns, and ascertain whether any children under the age of sixteen are employed therein contrary to the provisions of law, and they shall report any cases of such illegal employment to the school board; and the truant officers, when authorized as aforesaid, may demand the names of all children under sixteen years of age employed in such manufacturing, mechanical, and mercantile establishments, and may require that the certificates and lists of such children provided for by law shall be produced for their inspection. Truant officers shall inquire into the employment, otherwise than in such manufacturing, mechanical, and mercantile establishments, of children under the age of sixteen years, during the hours when the public schools are in session, and may require that the certificates of all children under sixteen shall be produced for their inspection; and any such officer may bring a prosecution against a person or corporation employing any such child, otherwise than as aforesaid, during the hours when the public schools are in session, contrary to the provisions of law.

A refusal or failure on the part of an employer of children under sixteen years of age to produce the certificate required by law, when requested by a truant officer, shall be *prima facie* evidence of the illegal employment of the child whose certificate is not produced.

Truant officers shall have authority without a warrant to take and place in school any children found employed contrary to the laws relating to the employment of children or violating the laws relating to the compulsory attendance at school of children between the ages of six and sixteen years.

SECT. 19. The school board, upon satisfying the selectmen that they have attended to the duties and made the reports by law required, shall be paid such reasonable compensation as the town or selectmen may determine.

SECT. 20. In the absence of express contract, a session of three hours in the forenoon and three hours in the afternoon shall constitute a school day, five such days a school week, and four such weeks a school month, in the public schools.

SECT. 21. [*As amended by chapter 29, Session Laws of 1903.*] Teachers of public schools may attend teachers' institutes held within the state, as provided by law, not exceeding three days in any term or five days in any year, and the time so spent shall be regarded as spent in the service of the district.

CHAPTER 93.

SCHOLARS.

SECTION

1. Scholar not to attend where not a resident without leave.
2. Children not to attend school unless vaccinated.
3. May be dismissed for misconduct.
4. To attend where assigned.

5. Penalty for attending without right.
6. District may make by-laws as to truants.
7. Offenders against by-laws, how punished.
8. Fine may be remitted, etc.
9. May attend school upon giving bond for good behavior.
10. Children under twelve not to be employed in manufacturing establishments.
11. Children under sixteen who cannot read and write English may be so employed, when.
12. No minor to be employed unless he can read or write English when evening school is in session.
13. Penalties in such cases for violation of the statutes.
14. Parents required to send children to school.
15. Superintendent of public instruction authorized to enforce attendance laws.
16. School boards to furnish copy of law in certain cases.
17. Persons disturbing school, how punished.
18. School board to prosecute offenders.
19. Limitation of prosecutions.
20. Certificates from private schools.

SECTION 1. No person shall attend school, or send a scholar to the school, in any district of which he is not an inhabitant, without the consent of the district or of the school board.

SECT. 2. [*As amended by chapter 19, Session Laws of 1901.*] No child shall attend any public, parochial, or private school unless he has been vaccinated or has had the smallpox, and this section shall be enforced by the board of health.

SECT. 3. Any scholar may be dismissed from school by the school board for gross misconduct, or for neglect or refusal to conform to the reasonable rules of the school; and he shall not attend the school until restored by the school board.

SECT. 4. No scholar who shall have been assigned to a particular school by the school board shall attend any other school in the district until assigned thereto.

SECT. 5. If any scholar, after notice, shall attend or visit a school which he has no right to attend, or shall interrupt or disturb the same, he shall be fined for the first offense five dollars, and for any subsequent offense ten dollars, or be imprisoned not exceeding thirty days.

SECT. 6. Districts may make by-laws, not repugnant to law, concerning habitual truants and children between the ages of six and sixteen years not attending school and not having a regular and lawful occupation, and to compel the attendance of such children at school, and may annex penalties for the breach thereof not exceeding ten dollars for each offense.

SECT. 7. Any offender against such by-laws, upon conviction, may be sentenced to pay a fine and to be committed to the Industrial School until it is paid or he is otherwise discharged, or he may be sentenced to the Industrial School for a term not exceeding one year.

SECT. 8. The court or justice imposing a fine upon any such offender may remit it upon proof that he is unable to pay it, and has no parent, guardian, or person chargeable with his support, able to pay it, and may discharge him from the Industrial School if he has been committed there for non-payment thereof.

SECT. 9. Any such offender so convicted may give bond to the district in the penal sum of

twenty-five dollars, with sufficient sureties, approved by the court or justice before whom he was convicted, conditioned to attend regularly some school kept in the district for one term next ensuing, to comply with the regulations thereof, and to be obedient and respectful to the teacher; and his fine may thereupon be remitted by such court or justice upon payment of the costs.

SECT. 10. [*As amended by chapter 61, Session Laws of 1901.*] No child under the age of twelve years shall be employed in any manufacturing establishment. No child under the age of fourteen years shall be employed in any manufacturing establishment, nor in any mechanical, mercantile, or other employment during the time in which the public schools are in session in the district in which he resides.

SECT. 11. [*As amended by chapter 61, Session Laws of 1901*] No child under the age of sixteen years shall be employed in any manufacturing establishment, or in any mechanical, mercantile, or other employment, during the time in which the public schools are in session in the district in which he resides, without first presenting a statement of his age from his parent or guardian, sworn to before the superintendent of schools, or, if there is no superintendent of schools, before some person authorized by the school board of the district in which such child is employed.

And no child under the age of sixteen years shall be employed as aforesaid during the time in which the public schools are in session in the district in which he resides without first presenting a certificate from the superintendent of

schools, or, if there is no superintendent of schools, some person authorized by the school board, that such child can read at sight and write legibly simple sentences in the English language. And any superintendent of schools or person authorized by the school board who certifies falsely as to matters prescribed by this section shall be fined not less than twenty nor more than fifty dollars for each offense.

SECT. 12. [*As amended by chapter 61, Session Laws of 1901.*] No minor shall be employed in any manufacturing establishment, or in any mechanical, mercantile, or other employment, who cannot read at sight and write legibly simple sentences in the English language, while a free public evening school is maintained in the district in which he resides unless he is a regular attendant at such evening school or at a day school; *provided*, that upon presentation by such minor of a certificate signed by a regular practising physician, and satisfactory to the superintendent of schools, or, where there is no superintendent of schools, the school board, showing that the physical condition of such minor would render such attendance in addition to daily labor prejudicial to his health, said superintendent of schools or school board shall issue a permit authorizing the employment of such minor for such period as said superintendent of schools or school board may determine. Said superintendent of schools or school board, or teachers acting under authority thereof, may excuse any absence from such evening school arising from justifiable cause. Any parent, guardian, or custodian who permits to be

employed any minor under his control in violation of the provisions of this section shall forfeit not more than twenty dollars for the use of the evening schools of such town or city.

SECT. 13. [*As amended by chapter 61, Session Laws of 1901.*] If any owner, agent, superintendent, or overseer of a manufacturing, mechanical, or mercantile establishment or any other person shall employ any child in violation of the provisions of either of the three preceding sections, he shall be fined not exceeding fifty dollars for each offense, for the use of the district.

SECT. 14. [*As amended by chapter 61, Session Laws of 1901, and chapter 13, Session Laws of 1903.*] Every person having the custody and control of a child between the ages of eight and fourteen years, or of a child under the age of sixteen years, who cannot read at sight and write legibly simple sentences in the English language, residing in a school district in which a public school is annually taught, shall cause such child to attend the public school all the time such school is in session, unless the child shall be excused by the school board of the district because his physical or mental condition is such as to prevent his attendance at school for the period required, or because he was instructed in the English language in a private school approved by the school board for a number of weeks equal to that in which the public school was in session in the common English branches, or, having acquired those branches, in other more advanced studies. Any person who does not comply with the requirements of this section shall be fined ten

dollars for the first offense and twenty dollars for every subsequent offense, for the use of the district.

SECT. 15. [*As amended by chapter 61, Session Laws of 1901.*] The state superintendent of public instruction shall have authority to enforce the laws relating to attendance at school and the employment of minors, and, for this purpose, he and any deputy appointed by him shall be vested with the powers given by law to truant officers when authorized by school boards to enforce the laws relating to attendance at school and the employment of children. And the expenses necessarily incurred by the state superintendent in such enforcement shall be paid, as audited and allowed by the governor and council.

SECT. 16. The school board of every district shall cause a copy of the two preceding sections to be sent to every person who they have reason to believe does not comply with the requirements of section fourteen of this chapter.

SECT. 17. Any person, not a scholar, who shall wilfully interrupt or disturb any school shall be punished by a fine not exceeding fifty dollars, or by imprisonment not exceeding thirty days.

SECT. 18. It shall be the duty of the school board to prosecute offenders for violations of the provisions of this chapter. If they neglect to perform this duty they shall forfeit twenty dollars for each neglect, for the use of the district, to be recovered in the name of the district by the selectmen of the town. All necessary expenses incurred in such proceedings shall be paid by the district.

SECT. 19. No prosecution under this chapter shall be sustained unless begun within one year after the offense is committed.

SECT. 20. [*Enacted by chapter 62, Session Laws of 1895.*] No certificate as provided in the foregoing sections shall be issued for attendance at any private school, unless such school shall have previously been approved by the school board of the district in which it is situated as furnishing instruction in the English language in all the studies required by law equal to that given in the public schools of said district, and unless the record of attendance shall be kept in the form required of the public schools, and be open to the inspection of the school board of the district at all times.

CHAPTER 94.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

SECTION

1. Superintendent, how appointed; tenure of office.
2. His duties defined.
3. To visit and lecture in towns.
4. To organize and hold teachers' institutes.
5. To appoint suitable person to attend in case he cannot.
6. Expense of institutes provided for.
7. How paid.
8. His accounts audited, how.
9. To send copy of his report to school boards.
10. Clerical expenses provided for.

SECTION 1. The governor, with advice of council, shall appoint a superintendent of public instruction, who shall hold office for the term of two years, and shall have general supervision and control of the educational interests of the state.

SECT. 2. [*As amended by chapter 35, Session Laws of 1895, and chapter 33, Session Laws of 1903.*] The superintendent of public instruction shall prescribe the form of register to be kept in the schools, and the form of blanks and inquiries for the returns to be made by the school boards, and shall seasonably send the same to the clerks of the several towns and cities for the use of the school boards therein; he shall receive, preserve, or distribute all state documents in regard to public schools or education, and shall receive and arrange in his office reports and returns of school boards; he shall investigate the condition and efficiency of the system of popular education in the state, especially in relation to the amount and character of the instruction given to the study of physiology and hygiene, having special reference to the effects of alcoholic stimulants and of narcotics upon the human system, and shall recommend to school boards what he considers the best text-books upon those subjects and suggest to them the best mode of teaching them, and shall pursue such a course for the purpose of awakening and guiding public sentiment in relation thereto as may seem to him best, and he shall biennially make a report, containing a concise abstract of the returns of the school boards, a detailed report of his own doings, a statement of the condition and progress of popular education in the state, and

such suggestions and recommendations in regard to improving the same as his information and judgment may dictate. He shall have authority at the close of each biennial session of the legislature to compile and issue at the expense of the state an edition of the school laws with the session amendments, not exceeding two thousand copies.

SECT. 3. He shall visit and lecture upon educational subjects in as many towns and cities of the state during the term of his office as the time occupied by his other official duties will permit.

SECT. 4. He shall organize, superintend, and hold at least one teachers' institute each year in each county of the state, and appoint the time and place, and make suitable arrangements therefor.

SECT. 5. In case he is unable for any cause to conduct in person any institute, or to make the necessary arrangements therefor, he shall appoint the principal of the state normal school, or some other suitable person, for that purpose.

SECT. 6. The state treasurer is authorized and instructed to invest, as a permanent institute fund, the proceeds of the sale of the state lands effected under the authority of a joint resolution approved June 28, 1867, and the annual income thereof is set apart for the support of teachers' institutes.

SECT. 7. The superintendent of public instruction may draw upon the state treasurer each year for such part of said income as may be required to defray the necessary expenses of the institutes, and for procuring suitable instruction and lecturers for the same.

SECT. 8. His account for the expenses of the institutes shall be audited each year by the governor and council, and he shall incorporate in his annual report a report of the institutes and of the expenses of the same.

SECT. 9. He shall forward to the chairman of every school board in the state a copy of each of his annual reports.

SECT. 10. [*As amended by chapter 36, Session Laws of 1895.*] The sum of ten hundred dollars, or such part thereof as may be needed, is annually appropriated for clerical expenses of this department.

CHAPTER 95.

NEW HAMPSHIRE STATE NORMAL SCHOOL.

SECTION

1. Normal school, its object.
2. Trustees of school, and tenure of office.
3. How organized.
4. To employ principal of school.
5. Courses of study.
6. Admission and graduation.
7. Tuition free, in what cases.
8. Annual appropriation and by whom expended.
9. Normal teachers to assist at institutes.
10. Superintendent of public instruction to report condition of school.

SECTION 1. The New Hampshire State Normal School, as heretofore established and located, is continued. The instruction in the school shall be confined to such branches as will specially prepare the pupils to teach in the public schools, and to such other branches as are usually taught in normal schools. The school shall be in session at least twenty weeks in each year.

SECT. 2. [*As amended by chapter 3, Session Laws of 1903.*] The management of the school shall be vested in a board of trustees composed of the governor, the superintendent of public instruction, and five other persons who shall be appointed by the governor, with the advice of the council, and shall hold office for five years, one of whom shall be appointed each year.

SECT. 3. The board shall choose from its members a president and secretary, and such committees and other officers as may be necessary to transact its business, and may choose a treasurer who is not a member of the board. They shall meet at least once each year and shall receive no compensation for services, but shall be paid their reasonable expenses while engaged in the performance of their duties.

SECT. 4. They shall select and employ a principal teacher for the school, who shall be allowed with their advice and consent, to select the assistants and provide for the discipline of the school.

SECT. 5. The trustees, with the principal, shall arrange courses of study for the school.

SECT. 6. The trustees and principal shall prescribe and control the examinations for the

admission and graduation of pupils, and they shall grant certificates of graduation to such as complete either course and pass the required examinations.

SECT. 7. Tuition and graduation shall be free to all those completing either course of study who will agree to teach in the public schools of this state for a period equal to the length of such course. The trustees shall make such provisions as may be necessary to effect the purposes of this section.

SECT. 8. [*As amended by chapter 59, Session Laws of 1903.*] The sum of twenty-five thousand dollars is annually appropriated for the maintenance of the school, to be expended as the trustees shall direct.

SECT. 9. The principal and teachers of the State Normal School shall assist and give instruction at teachers' institutes, so far as they can without interfering with their duties in the normal school, but they shall receive no additional compensation, except for travel and other actual and necessary expenses while so employed.

SECT. 10. The superintendent of public instruction, in his annual report, shall state the condition of the school, the terms of admission and graduation, the times of the commencement and close of the sessions, and shall cause the same to be printed on the cover of the school register.

CHAPTER 64, SESSION LAWS OF 1891.

AN ACT in relation to special school districts.

SECTION 1. Whenever any school district organized under a special act of the legislature shall vote to abolish such district and to unite with the town district, if said town district shall vote to receive said special district, if said special district has for the five years next preceding such vote maintained a high school, it shall be incumbent on the town district with which it unites to thereafter keep and maintain within the limits of said special district a high school for at least thirty four weeks in each year, and of equal grade to that which had been previously maintained therein by such special district, said high school to be open to all scholars in the town district, of suitable age and qualifications.

SECT. 2. It shall be the duty of said town district to raise and appropriate each year thereafter sufficient money in addition to the school money which the town in which it is situated may raise, to properly maintain such high school, or schools, as may be established under the preceding section.

SECT. 3. Any high school hereby established may be discontinued, or the location thereof changed, by the supreme court, on petition of the school board of the town district in which it is located, after such notice as the court may order, if it shall appear that the educational interests of the town district require such discontinuance or change.

SECT. 4. Any town district failing to comply with the provisions of this act, or any of them, shall be fined for such neglect.

SECT. 5. This act shall take effect on its passage, and all acts or parts of acts inconsistent with this act are hereby repealed.

CHAPTER 72. SESSION LAWS OF 1893.

AN ACT to provide for annexing parts of towns to adjoining towns for school purposes.

SECTION 1. Any person interested in severing part of any town therefrom and annexing it to another town, or school district therein, for school purposes, may apply therefor by petition to the selectmen of the town from which it is proposed to sever such territory, and to the selectmen of the town to which it is proposed to annex the same.

SECT. 2. It shall be the duty of said selectmen, upon notice to such petitioners and to the school boards of the respective towns and school districts interested in the proposed transfer, to hear the parties, and determine whether the reasonable accommodation of such petitioners or others requires such transfer, and to make return of their findings to the clerks of their respective towns in writing within thirty days.

SECT. 3. If a majority of each of said boards of selectmen report in favor of such transfer, they shall sign a certificate of that fact, describing such territory, and stating that it is annexed to such adjoining town, or district therein for school purposes, which certificate shall be recorded by the town clerk of each town.

SECT. 4. Any territory now or hereafter annexed for school purposes to an adjoining town or school district therein, may, upon proceedings such as have been prescribed in the foregoing sections of this act, be restored to the town or district from which it has been severed.

SECT. 5. The annexation of territory under this act shall have the same force and validity as if made by a special act of the legislature.

SECT. 6. The selectmen and collector of any town to which part of any other town is now or may hereafter be annexed for school purposes shall have the same powers and duties in respect to such annexed territory, of furnishing blank inventories and of assessing and collecting taxes for school purposes, and the inhabitants and owners thereof shall for such purposes be subject to the same liabilities, as if such territory were in the town to which it is or may be annexed.

SECT. 7. [*As amended by chapter 75, Session Laws of 1895.*] The selectmen of any town, and the school board of any high school or other special district in the same town, may, upon petition of persons interested, after notice to the school board of the town school district of such town, and after hearing the parties, unite parts of either district to the other, a majority of the board of selectmen and a majority of the school board of such special district, and a majority of the school board of the town school district concurring therein, and their decision in writing being recorded on the town records.

[Section 6 was amended by chapter 26 of the Session Laws of 1897, as follows :

SECTION 1. Section 6 of chapter 72 of the Session Laws of 1893 shall not apply to special districts, but only to town districts, and all special taxes voted by said districts shall be assessed and collected in the same manner as they were assessed and collected prior to the enactment of said chapter 72.]

CHAPTER 47, SESSION LAWS OF 1895.

AN ACT in relation to the grouping of towns for the purpose of employing a superintendent of schools.

SECTION 1. Two or more towns or special districts may, by vote of each, form a district for the purpose of employing a superintendent of the public schools therein, who shall perform in each town the duties prescribed by law and the regulations of the school boards.

SECT. 2. Such superintendent shall be appointed by a joint committee composed of the school board of each of the towns in said district, who shall determine the relative amount of service to be performed by him in each town, and shall fix his salary and apportion the amount thereof to be paid by the several towns, and certify such amount to the treasurer of each town. Said joint committee shall, for said purposes, be held to be the agents of each town composing such district.

CHAPTER 49, SESSION LAWS OF 1895.

AN ACT to provide for the examination and certification of school teachers by the superintendent of public instruction.

SECTION 1. The superintendent of public instruction shall cause to be held, at such convenient times and places as he may from time to time designate, public examinations of candidates for the position of teacher in the public schools of the state. Such examinations shall test the professional as well as the scholastic abilities of candidates, and shall be conducted by such persons and in such manner as the superintendent of public instruction may from time to time designate. Due notice of the time, place, and other conditions of the examinations shall be given in such public manner as the superintendent of public instruction may determine.

SECT. 2. A certificate of qualifications shall be given to all candidates who pass satisfactory examinations in such branches as are required by law to be taught, and who in other respects fulfill the requirements of the superintendent; such certificate shall be either probationary, or permanent, and shall indicate the grade of school for which the person named in the certificate is qualified to teach.

SECT. 3. A list of approved candidates shall be kept in the office of the department of public instruction and copies of the same, with such information as may be desired, shall be sent to school committees* upon their request.

*School Boards.

SECT. 4. [*As amended by chapter 12, Session Laws of 1899.*] The certificates issued under the provisions of this act shall be accepted by school committees* in lieu of the personal examination required by section 6 of chapter 92 of the Public Statutes.

SECT. 5. A sum not exceeding three hundred dollars may be annually expended from the income of institute fund for the necessary and contingent expenses of carrying out the provisions of this act.

CHAPTER 46, SESSION LAWS OF 1895.

AN ACT requiring truant officers or agents appointed by the school boards of cities and towns to make an annual enumeration of children between the ages of five and sixteen years. [*As amended by chapter 86, Session Laws of 1903.*]

SECTION 1. Truant officers or agents appointed by school boards of cities and towns shall annually, in the month of October, make an enumeration of the children of each sex, between the ages of five and sixteen years, in their town or city, giving such items in regard to each child as may be required by the school board or the state superintendent of public instruction, and shall make a report to the school board thereof within fifteen days after the completion.

SECT. 2. Section 14, chapter 43, Public Statutes, and any other acts inconsistent with this act, are hereby repealed.

* School Boards.

CHAPTER 14, SESSION LAWS OF 1897.

AN ACT providing that certain sessions of the public schools shall be devoted to exercises of a patriotic nature.

SECTION 1. In all the public schools of the state one session during the week in which Memorial Day falls, or a portion thereof, shall be devoted to exercises of a patriotic nature.

CHAPTER 65, SESSION LAWS OF 1897.

AN ACT in addition to chapter 91 of the Public Statutes, in relation to schoolhouses.

SECTION 1. The school board of cities shall have sole power to select and purchase land for schoolhouse lots. When said board has secured, by vote of the city councils, an adequate appropriation for the purchase of a specified lot at a specified price, then said board may make the purchase.

SECT. 2. No schoolhouse shall be erected, altered, remodeled, or changed in any city school district, unless the plans thereof have been previously submitted to the school board of that district and received its approval, and all new schoolhouses shall be constructed under the direction of a joint special committee, chosen in equal numbers by the city councils and the school board.

SECT. 3. Upon the completion of a new schoolhouse, the city councils shall, by vote, transfer it to the care and control of the school board. Whenever a schoolhouse shall no longer be needed for

public school purposes, the school board shall re-transfer its care and control to the city.

SECT. 4. The provisions of the three preceding sections shall not apply to the Union School District of Concord, or to the Union School District in the city of Keene.

CHAPTER 44, SESSION LAWS OF 1897.

AN ACT relating to shade trees.

SECTION 1. Whenever any party, at a proper time of the year, shall present to the selectmen of any town or ward well-grown nursery trees of the nut, shade, or ornamental varieties, such selectmen may set out said trees in the highways, cemeteries, commons, schoolhouse yards, and other public places, as indicated by the donor of said trees, and protect the same at the expense of the town.

SECT. 2. Nothing in this act shall be construed to compel any party to have trees set in the highway on the side next his land without his consent.

CHAPTER 77, SESSION LAWS OF 1899.

AN ACT to equalize the school privileges of the cities and towns of the state.

SECTION 1. Two or more towns or special districts, or their school boards when duly authorized by their respective districts, may, by vote of each, form a supervisory district for the purpose of employing a superintendent of the public schools therein, who shall perform in each town

the duties prescribed by law and by the regulations of the school boards, giving thereto his entire time.

SECT. 2. The school boards of the several districts forming the supervisory district shall constitute a joint committee which for all purposes of this act shall be the agent of each district therein represented. Said committee shall meet between April 1 and August 1 of each year, as may be agreed upon by the chairmen of the several boards, and organize by the choice of a chairman, a secretary, and a treasurer. It shall elect a superintendent for such supervisory district, determine the character and value of his services, and apportion the same among the several districts, certifying such apportionment to their respective treasurers.

SECT. 3. [*As amended by chapter 18, Session Laws of 1901.*] Any town or special district which shall unite with one or more districts to form a supervisory district, which shall employ as superintendent, at an annual salary, a person holding a permanent state teachers' certificate, and shall certify through its chairman and secretary such facts to the state treasurer, shall be entitled to one half its apportioned share of said salary, said sum to be paid by him in December of each year to the town treasurer of each town in said supervisory district, upon sworn statement of the state superintendent of public instruction certifying as to what amount each town is entitled. This section shall not apply to cities.

SECT. 4. Supervisory districts formed under this act shall employ not fewer than twenty nor more than sixty teachers.

SECT. 5. Every school district in the state shall maintain its schools at least twenty weeks during every school year.

SECT. 6. The sum of twenty-five thousand dollars (\$25,000) shall be appropriated annually from the state treasury for the purposes of this act. Twenty-five per cent. of the entire appropriation shall be set apart each year to carry into effect section three of this act. Any portion of the sum so set apart, and not expended as aforesaid, shall remain in the state treasury, to be used in any subsequent year, if needed, to carry out the purposes of said section. The remainder shall be paid by the state treasurer in December of each year to all the towns of the state in which the equalized valuation is less than \$3,000 for each child of the average attendance in the public schools of such towns during the school year next preceding, and such other towns as may be added as hereinafter provided on the sworn statement of the superintendent of public instruction certifying as to what amount each town is entitled, in direct proportion to said average attendance, and in inverse proportion to the equalized valuation per child, and shall be used exclusively for the support of the public schools. The governor and council may, upon recommendation of the superintendent of public instruction, add to the class of towns specified above in this paragraph such other towns as may seem from their peculiar conditions to need relief from too great a burden of school taxation.

SECT. 7. No town shall receive any benefit under this act nor any portion of the literary

fund unless its returns have been made to the superintendent of public instruction as required by chapter 92, section 13, of the Public Statutes, nor unless its schools have been maintained at least twenty weeks during the school year next preceding.

[Chapter 81, Session Laws of 1901, in amendment of chapter 77, Session Laws of 1899.]

SECTION 1. Any town or special district which has united, or may hereafter unite, with any other town or towns, district or districts, to form a supervisory district, as provided by chapter 77 of the Laws of 1899, may, at any annual school district meeting, by vote, rescind such action, and thereupon shall, at the end of the school year or at the expiration of the period for which such supervisory district may then already have contracted for the services of a superintendent, cease to be a part of such supervisory district.

CHAPTER 112, SESSION LAWS OF 1901.

AN ACT to establish evening schools.

SECTION 1. Upon petition of five per cent. of the legal voters of any city or town having more than five thousand inhabitants, according to the latest United States census, said city or town shall establish and maintain, in addition to the schools required by the law to be maintained therein, evening schools for the instruction of

persons over fourteen years of age in such branches of learning and art as the school board shall deem expedient.

SECT. 2. The school board of such cities and towns shall have the same superintendence over such evening schools as they have over other schools, and may determine the term or terms of time in each year and the hours of the evening during which such schools shall be kept, and may make such regulations as to attendance at such schools as they may deem expedient.

SECT. 3. Nothing contained in this act shall exempt any person from the requirements of chapter 93 of the Public Statutes.

CHAPTER 96, SESSION LAWS OF 1901.

AN ACT relating to high schools.

SECTION 1. [*As amended by Chapter 118, Session Laws of 1903.*] Any town not maintaining a high school or school of corresponding grade shall pay for the tuition of any child who with parents or guardian resides in said town and who attends a high school or academy in the same or another town or city in this state, and the parent or guardian of such child shall notify the school board of the district in which he resides of the high school or academy which he has determined to attend, *provided, however*, that no town shall be liable for tuition of a child in any school, in excess of the average cost per child of instruction for the regularly employed teachers of that school

and the cost of text-books, supplies, and apparatus during the school year preceding, nor, in any case, shall the town be liable for tuition of any child in excess of forty dollars per year.

SECT. 2. If any town in which a high school or school of corresponding grade is not maintained neglects or refuses to pay for tuition as provided in the preceding section, such town shall be liable therefor to the parent or guardian of the child furnished with such tuition, if the parent or guardian has paid the same, or to the town or city furnishing the same in an action of contract.

SECT. 3. Five thousand dollars shall be appropriated annually from the state treasury for the payment of tuition in high schools and academies, to be paid by the state treasurer in the month of December of each year to the treasurers of such towns as are entitled, and in such manner as is hereinafter provided, upon a sworn certificate of the superintendent of public instruction of the sums due.

Towns whose rate of taxation for school purposes in any year is \$3.50 or more on \$1,000, and whose average rate of taxation for all purposes for five years next preceding is \$16.50 or more on \$1,000, shall receive a share of said appropriation as follows :

If the tax rate is from \$16.50 to \$17.49, one tenth of the tuition paid.

If the tax rate is from \$17.50 to \$18.49, two tenths of the tuition paid.

If the tax rate is from \$18.50 to \$19.49, three tenths of the tuition paid.

If the tax rate is from \$19.50 to \$20.49, four tenths of the tuition paid.

If the tax rate is from \$20.50 to \$21.49, five tenths of the tuition paid.

If the tax rate is from \$21.50 to \$22.49, six tenths of the tuition paid.

If the tax rate is from \$22.50 to \$23.49, seven tenths of the tuition paid.

If the tax rate is from \$23.50 to \$24.49, eight tenths of the tuition paid.

If the tax rate is from \$24.50 to \$25.49, nine tenths of the tuition paid.

Over \$25.49, the whole of such tuition.

If more than \$5,000 should be needed in any year for the purposes of this act, the said \$5,000 shall be distributed pro rata to the towns entitled to receive the same, in accordance with the foregoing classification.

SECT. 4. [*As amended by Chapters 31 and 118, Session Laws of 1903.*] By the term "high school" or "academy," as used in this act, is understood a school having at least one four years' course properly equipped and teaching such subjects as are required for admission to college, technical school, and normal school, including reasonable instruction in the constitution of the United States and in the constitution of New Hampshire, such high school or academy to be approved by the state superintendent of public instruction as complying with the requirements of this section. And said superintendent is authorized to approve a school maintaining any part of such course, for the part so maintained.

SECT. 5. Towns paying tuition of scholars in high schools or academies shall receive a proportionate share of the literary fund for the attendance of such pupils. All academies and private schools shall be furnished with copies of the school register, and shall make an annual statistical report to the state superintendent.

SECT. 6. [*As amended by Chapter 118, Session Laws of 1903.*] Any school district may make contracts with an academy located within its limits for furnishing instruction to its scholars; and such school district may raise and appropriate money to carry into effect any contracts in relation thereto, and in case such appropriation is not less in amount than the average cost of instruction of each pupil in such academy during the year preceding, for each pupil of said district qualified to enter upon a high school course, then said academy shall be deemed a high school maintained by such district, if approved by the superintendent of public instruction in accordance with section 4 of this act.

CHAPTER 11, SESSION LAWS OF 1899.

AN ACT relating to holidays.

SECTION 1. Thanksgiving day and Fast day, whenever appointed; Labor day; the day on which the biennial elections are held; the twenty-second day of February; the thirtieth day of May; the fourth day of July, and Christmas day shall be legal holidays, and when either of the last four days mentioned occurs on Sunday, the following day shall be observed as a holiday.

CHAPTER 43, PUBLIC STATUTES.

AN ACT relating to the duties of town-clerks.

SECT. 3. Every town clerk, within thirty days after the annual meeting, shall report to state officers the names and postoffice addresses of town officers as follows. . . .to the state superintendent of public instruction, those of the local school board. . . .Any town clerk who neglects to make reports as required by this section shall be subject to pay a fine of twenty dollars for each failure, one half for the use of the department to which he fails to report, and the other half for the use of the town.

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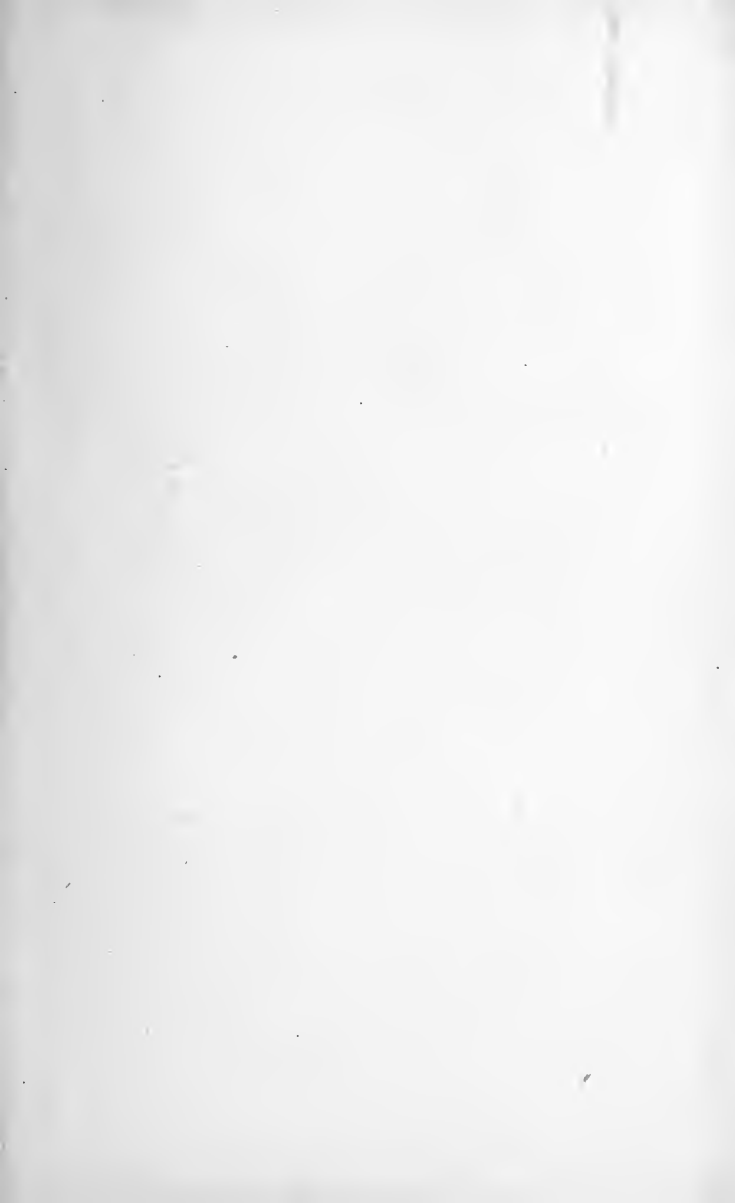
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